

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATAQUILL LIMITED)	
)	
v.)	Case No. 2:13-cv-634-JRG
)	
ZTE (USA) INC.)	
)	
)	
)	

**DEFENDANT ZTE (USA) INC.’S RESPONSE TO
PLAINTIFF’S MOTION FOR ENTRY OF FINAL JUDGMENT**

Defendant ZTE (USA) Inc. (“ZTE”) objects to the entry of a final judgment in favor of Plaintiff DataQuill Limited (“DataQuill”) for the reasons set forth in its post-trial motion, Lead Case No. 2:13-cv-633-JRG, Dkt. No. 170, filed on July 28, 2015.¹ DataQuill failed to introduce substantial evidence at trial from which the jury could assess damages, priority date, and patent invalidity. The Court should therefore reject the jury’s damages award and its findings on validity as a matter of law and judgment should be entered in ZTE’s favor on each of DataQuill’s patent infringement claims. Alternatively, ZTE submits that the jury’s findings on damages and invalidity are against the clear weight of the evidence, and a new trial or remittitur should be granted to prevent a miscarriage of justice.

¹ In the event the Court overrules this objection and enters judgment in DataQuill’s favor, ZTE does not oppose DataQuill’s requests for supplemental damages, pre-judgment interest, post-judgment interest, and taxable costs as set forth in its post-trial motions, Dkt. Nos. 60 and 62, and motion for entry of final judgment, Dkt. No. 61. More specifically, ZTE agrees to the requested relief only if the Court enters judgment on the jury verdict. ZTE is not waiving any of its rights to contest the jury verdict as to both liability and damages issues, and ZTE reserves its rights to contest any appropriate issue on appeal.

Dated: August 21, 2015

Respectfully Submitted,

/s/ Eric H. Findlay

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 21, 2015, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). This motion was served on all counsel by electronic filing.

/s/ Eric H. Findlay
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